(1) Data from the TIROS (Television InfraRed Observational Satellite) series of experimental spacecraft; much of the imagery gathered by spacecraft of the NASA experimental NIMBUS series; full-earth disc photographs from NASA's Applications Technology Satellites (ATS) I and III geostationary research spacecraft; tens of thousands of images from the original ESSA and current NOAA series of Improved TIROS Operational Satellites; and both full-disc and sectorized images from the Synchronous Meteorological Satellites (SMS) 1 and 2, the current operational geostationary spacecraft. In addition to visible light imagery, infrared data are available from the NIMBUS, NOAA, and SMS satellites. Each day, SDSD receives about 239 negatives from the polar-orbiting NOAA space-craft, more than 235 SMS-1 and 2 negatives, and several special negatives and movie film loops

(2) Photographs (both color and black-and-white) taken during the three SKYLAB missions (May through June, 1973, July through September, 1973, and November 1973 through February 1974).

(b) Queries should be addressed to: Satellite Data Services Division, World Weather Building, Room 606, Washington, DC 20233, tel. 301-763-8111.

§ 950.9 Computerized Environmental Data and Information Retrieval Service.

The Environmental Data Index (ENDEX) provides rapid, automated referral to multidiscipline environmental data files of NOAA, other Federal agencies, state and local governments, and universities, research institutes, and private industry. A computerized, information retrieval service provides a parallel subject-author-abstract referral service. A telephone call to any EDIS data or information center or NOAA library will allow a user access to these services.

PART 960—LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

Subpart A—General

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Subpart A—General

§960.1 Purpose.

These regulations establish the minimum practicable procedures and informational requirements to license and supervise the operation of a private remote-sensing space system under title IV of the Land Remote-Sensing Commercialization Act of 1984 (The Act). They are intended to facilitate the policy of the Act by encouraging development of private sector-owned remotesensing space systems and promotion of commercialization of land remotesensing systems in the United States while complying with the requirements of the Act, including:

- (a) To preserve and promote the national security of the United States;
- (b) To ensure that data from private operational remote-sensing space systems will be sold on a nondiscriminatory basis; and
- (c) To fulfill the international obligations of the United States.

To the extent there is a tension between the policy of promoting the commercial use of remote-sensing systems and the policies of promoting national security interests as determined by the Secretary of Defense or international

obligations as determined by the Secretary of State, the Secretary of Commerce may, in his or her discretion, undertake reasonable efforts to satisfactorily resolve the matter in favor of commercialization.

§960.2 Scope.

The Act and these regulations apply to any person subject to the jurisdiction or control of the United States who operates a private remote-sensing space system either directly or through an affiliate or subsidiary. For the purposes of these regulations, a person, affiliate, or subsidiary is subject to the jurisdiction or control of the United States if such person is:

- (a) An individual who is a citizen of the United States;
- (b) A corporation, partnership, association or other entity organized or existing under the laws of the United States or any state, territory or possession thereof; or
- (c) Any other private space system operator having substantial connections with the United States or deriving substantial benefits from U.S. law that support its international remotesensing operations. Relevant connections include using a U.S. launch vehicle and/or platform, operating a spacecraft command and/or data acquisition station in the U.S., and processing the data at and/or marketing it from facilities within the U.S. The following examples are intended to illustrate the application of this paragraph.

EXAMPLE 1: A non-U.S. corporation launches an operational remote-sensing space system using a U.S. operated launch vehicle and/or a platform launched from U.S. territory. The company operates no spacecraft command ground station in the U.S. although it has technicians and supervisors present in the U.S. to ensure integration of the foreign-built satellite or space system with the launch vehicle. The company acquires data directly from the space system and processes and distributes it from facilities outside the U.S., although it advertises the availability of data and/or information in U.S. publications.

The company is not subject to U.S. jurisdiction or control and requires no license for its remote-sensing activities.

EXAMPLE 2: A company's operation is the same as in Example 1 except that it acquires, processes and distributes the data to U.S. and foreign customers from one or more facilities within the U.S.

The company is subject to U.S. jurisdiction or control and requires a license.

Where ground activities in the U.S. are less extensive than those described above, such as mere operation of a data acquisition facility or a small retail distribution outlet for U.S. customers, the Administrator will decide on an individual basis whether the operator is subject to U.S. jurisdiction or control for purposes of Title IV. In such cases, the use of a U.S. launch vehicle and/or platform may be significant although such use alone is not a sufficient connection.

Interested persons with questions may request a formal, binding opinion from the Administrator concerning the application of these regulations to their operation. Informal opinions by agencies should not be relied upon.

§ 960.3 Definitions.

For purposes of these regulations, the following terms have the following meanings:

Act means the Land Remote-Sensing Commercialization Act of 1984 (Pub. L. 98–365, 15 U.S.C. 4201 et seq.);

Administrator means the adinistrator of NOAA, or his designee;

Affiliate means any person: (a) Which owns or controls more than 5% interest in the applicant or licensee, or (b) which is under common ownership or control with the applicant or licensee;

Application means any written request submitted under this part for: (a) Issuance of a license for the operation of a private remote-sensing space system; (b) transfer or renewal of any such license; or (c) an amendment to any such license as a result of a substantial change in any of the specified terms and conditions of the license;

Basic data set means data collected by any licensed private remote-sensing space system that (a) has been selected to be maintained by the United States Government in a pubic archive, and (b) shall remain distinct from any inventory of data that a system operator may maintain for sales and for other purposes. Section 602 of the Act ("Archiving of Data") sets forth the Government's interest and criteria for determining the "basic data set;"

Experimental data means data collected by the United States Government in experimental remote-sensing programs;

Measured values mean the assigned numbers, shades or colors, which represent, in some standardized system, an amount of electromagnetic radiation sensed in a spectral band.

NESDIS means the National Environmental Satellite, Data, and Information Service:

NOAA means the National Oceanic and Atmospheric Administration;

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity organized or existing under the laws of any nation. "Person" does not include any government or intergovernmental organization or agency thereof.

Remote-sensing space system means any instrument or device or combination thereof and any related ground based facilities capable of sensing the Earth's surface from space by making use of the properties of the electromagnetic waves emitted, reflected, or diffracted by the sensed objects. For purposes of these regulations, small, hand-held cameras shall not be considered remote-sensing space systems.

Subsidiary means an entity whose controlling interest is held by the applicant or licensee.

Unenhanced data means unprocessed or minimally processed signals or film collected from a licensed remote-sensing space system, or minimally processed film products derived from such signals. Such mimimal processing includes but is not limited to rectification of distortions, registration with respect to features of the Earth, and calibration of spectral response. Such minimal processing does not include conclusions, substantial and irreversible manipulations, or calculations derived from such signals or film products or the combination of the signals or film products with other data or information in such manner as to effect a substantial and irreversible modification thereof.

Value-added activity means any activity that substantially and irreversibly changes the information content of the unenhanced data by: (a) Altering or replacing the measured values of an unenhanced data product or (b) combing unenhanced signals or film products with other data or information.

Production of unenhanced data products through minimal processing of signals and converting assigned values from one unit of measurement to another do not constitute value-added activities. Increasing the marketability or the price of an unenhanced data product does not by itself constitute a value-added activity. The product derived may be for sale, for any other form of distribution, or for the internal use of the system operator.

Subpart B—Application Process

§ 960.4 Pre-application consultation.

- (a) Applicants are encouraged to consult with NOAA and other relevant federal agencies at the earliest possible planning stages. Such consultation may reveal design or data collection requirements that may be accommodated early at low cost or avoid costly changes in design or data collection characteristics. Consultation at the time a license application is being prepared may prove useful in defining informational requirements and in expediting review.
- (b) *Consultation.* The Administrator shall consult upon request with any prospective applicant to assist the applicant in
- (1) Properly preparing the application, and
- (2) Contacting other Government agencies involved in the application review process in order to discuss the prospective application.
- (c) Request. A prospective applicant who wishes to have a pre-application consultation should make such request in writing to the Assistant Administrator, National Environmental Satellite, Data and Information Service, Washington, DC 20233.

§ 960.5 General.

- (a) Where to file. Applications and all related documents shall be filed with the Assistant Administrator, National Environmental Satellite, Data, and Information Service (NESDIS), NOAA, Washington, DC 20233.
- (b) Form. No particular form is required but each application must be in writing, must include all of the information specified in this subpart, and must be signed as follow:

- (1) For a corporation: By a principal executive officer at least the level of vice-president.
- (2) For a partnership or a sole proprietorship: By a general partner or proprietor, respectively, or by any authorized principal executive officer of any corporate general partner.
- (3) For an association or other entity: By a principal executive officer.
- (c) Number of copies. Eight (8) copies of each application must be submitted.

§ 960.6 Information to be submitted with application.

The following information on the applicant, and its affiliates and subsidiaries shall be provided by the applicant:

- (a) The name, mailing address, telephone number and citizenship of the applicant and any affiliates or subsidiaries, and of each director or owner of greater than five (5) percent interest.
- (b) A copy of the charter or instrument by which the applicant was formed and authorized to do business. If the applicant is a corporation its charter shall be certified by the Secretary of State or other appropriate authority of the jurisdiction in which incorporated.
- (c) The name, address, and telephone number of a person upon whom service of all documents may be made.
- (d) Adequate operational information regarding the applicant's remote-sensing space system on which to base review to ensure compliance with national security and international requirements including,
- (1) The date of intended commencement of operations and the expected duration of such operations;
- (2) The method of launch, and the name and location of the operator of the launch vehicle and the launch site;
- (3) The range of orbits and altitudes requested for authorized operation;
- (4) The range of spatial resolution or instantaneous field of view requested; and
- (5) The spectral bands requested for authorized operation.

The applicant may wish to include information concerning the extent to which data to be acquired from the applicant's system could be acquired

from foreign competitors who are not subject to these regulations.

- (e) The applicant's intended data acquisition and distribution plans, including:
- (1) Plans for data transmission to the ground;
- (2) Method of data distribution including scheduling plans and procedures:
- (3) Location of major data distribution outlets;
 - (4) Data reproduction policy;
 - (5) Pricing policy;
- (6) The names and addresses of any parties that will engage in the marketing of data on a contractual basis with the applicant, or its affiliates and subsidiaries; and
- (7) Any other information necessary to satisfy the requirements of section 601 of the Act.
- (f) Any plans that the applicant, or any affiliate or subsidiary may have for engaging in value-added activities, including a plan and pricing policy for ensuring nondiscriminatory access to unenhanced data.
- (g) All existing or anticipated agreements regarding system operation between the applicant, its affiliates and subsidiaries, and any foreign nation, entity or consortium.
- (h) Proposed method of disposition of any remote-sensing satellites owned or operated by the applicant.

In the case of an application for an amendment to an existing license, only modifications or additions to previously submitted information need be provided.

§ 960.7 Amendment, withdrawal, and termination of an application.

- (a) If information in an application becomes materially inaccurate or incomplete after it is filed but before the license application proceeding is completed, the applicant must promptly file an amendment that contains the corrected or additional information. The applicant should follow the procedures specified in §960.5 for an original filing.
- (b) If the Administrator determines that any amendment constitutes a major and substantial change to the applicant's original proposal, the Administrator may:

- (1) Incorporate the amendment into the original application and, if necessary, extend the time period prescribed in the Act and in these regulations for processing the application by no more than 60 days; or
- (2) Require the applicant to submit a new license application.
- (c) An applicant may withdraw an application at any time before the license application review is completed by delivering or mailing a written notice of withdrawal to the Administrator.
- (d) The Administrator shall terminate review of a license application if:
- (1) The application is withdrawn before the decision approving or denying it is issued; or
- (2) The applicant, after written notice by the Administrator pursuant to \$960.9(c), does not provide adequate additional information to complete the application within the time stated in the written notice.

§ 960.8 Confidentiality of information.

- (a) Any person who submits information pursuant to this part, considered to be a trade secret, or commercial or financial information that is privileged or confidential, may request in writing that the information be given confidential treatment. Such request should:
- (1) Be submitted at the time of submission of the information; and
- (2) State the period of time for which confidential treatment is desired (e.g., until a certain date, or until the occurrence of a certain event, or permanently).
- (b) Information for which confidential treatment is requested must be clearly marked with a legend such as "Proprietary Information" or "Confidential Treatment Requested." Where such marking proves impracticable, a cover sheet containing such legend must be securely attached.
- (c) If a request for confidential treatment is received after the information itself is received, NESDIS will try to associate the request with copies of the information, but cannot guarantee that such efforts will be effective.
- (d) Any request for confidential treatment may include a written justification, stating why the information is a trade secret, or commercial or fi-

- nancial information that is privileged or confidential, and describing:
- (1) The commercial or financial nature of the information;
- (2) The nature and extent of the competitive advantage enjoyed as a result of possession of the information;
- (3) The nature and extent of the competitive harm that would result from public disclosure of the information;
- (4) The extent to which the information has been disseminated to employees and contractors of the person submitting the information;
- (5) The extent to which persons other than the person submitting the information possess, or have access to, the same information; and
- (6) The nature of the measures that have been and are being taken to protect the information from disclosure.
 - (e) Request for disclosure.
- (1) Requests for disclosure of information submitted, reported, or collected pursuant to this part shall be in accordance with 15 CFR 903.7.
- (2) NOAA will not usually determine whether confidential treatment is warranted until it receives a request for disclosure of the information, unless it would encourage the submission of information not required to be submitted under this part.
- (3) Upon receipt of a request for disclosure of information for which confidential treatment has been requested, the Administrator will notify immediately the person who submitted the information and:
- (i) Inform such person of the date by which NOAA must determine whether confidential treatment is warranted in order to comply with the request for disclosure (usually within 10 working days of receipt of the request); and
- (ii) Inquire whether such person continues to request confidential treatment.
- (4) If the person waives or withdraws a request for confidential treatment in full or in part, the person shall deliver to NOAA a written statement to that effect. If the person confirms the request for confidential treatment, such person is strongly encouraged to deliver to NOAA a written statement in sufficient time for NOAA to fully consider it in making its formal determination (generally, not later than the

close of business on the fourth working day after being notified under paragraph (e)(3) of this section). Such statement may:

- (i) Address the issues listed in paragraph (d) of this section, describing the basis for believing that the information is deserving of confidential treatment, if such a statement was not previously submitted:
- (ii) Update or supplement any statement previously submitted under paragraph (d) of this section; and
- (iii) Present arguments against disclosure of the information.
- (5) To the extent permitted by applicable law, part or all of any statement submitted under this section will be treated as confidential if so requested by the person submitting the response.

§960.9 Review procedures.

- (a) The Administrator shall immediately forward a copy of any application or a summary thereof to the Department of Defense, the Department of State, and any other Federal agencies determined to have a substantial interest in the proposed activity, such as the National Aeronautics and Space Administration, and the Department of Transportation. The Administrator shall advise such agencies of the deadline prescribed by paragraph (b) of this section to require additional information from the applicant.
- (b) Within 21 days after the receipt of an application, the Administrator shall determine whether the application appears to contain all of the information required by Subpart B of these regulations. In making this determination the Administrator shall consider timely comments provided by the Federal agencies consulted under paragraph (a) of this section.
- (c) If the Administrator determines that all of the required information is not contained in the application, the Administrator may require by written notice to the applicant, that the applicant file further information, analysis, or explanation.
- (d) If the Administrator requires further information under paragraph (c) of this section, the time limitations prescribed by section 401(c) of the Act do not begin to run until the date on which the Administrator determines

that the application appears to be complete and so notifies the applicant.

- (e) Within sixty days of receipt of a complete application, each Federal agency consulted under paragraph (a) of this section shall recommend approval or disapproval of the application in writing.
- (1) If the Secretary of Defense or the Secretary of State determines that the application may not be approved without modifications or conditions consistent with national security concerns or international obligations, the determination shall clearly state why the modifications or conditions are necessary to accomplish the intended purpose.
- (2) If any other agency recommends disapproval, it shall state why it believes the application does not comply with any law or regulation within its area of responsibility and how it believes the application may be amended or the license conditioned to comply with the law or regulation in question.
- (f) All determinations and recommendations shall be made a part of the public record for that application. If the recommendation contains classified material, the public record shall reflect at what point in the document deletions have been made.

§ 960.10 Timely approval or denial of application and issuance of license.

- (a) The Administrator shall approve or deny a complete application as soon as practicable. If final action has not occurred within one hundred and twenty days after receipt, the Administrator shall inform the applicant of any pending issues and of actions required to resolve them.
- (b) If the Administrator denies the application, he or she shall provide the applicant with a concise statement in writing of the reasons therefor. Within 30 days after receipt of a notice of denial, the applicant may appeal by written notice to the Administrator and may request either an informal hearing or a formal hearing to be held in accordance with the procedures set forth at 15 CFR part 904, subpart C.
- (c) As soon as practicable after the close of a hearing or, in the case of a

formal hearing, the issuance of a recommended decision by the Administrative Law Judge, the Administrator shall issue the final decision and serve notice thereof on the applicant. This decision shall be considered final agency action.

§ 960.11 Criteria for approval or denial.

Before approving an application and issuing a license or an amendment to a license, the Administrator shall find in writing that:

- (a) The licensee will operate the system in a manner consistent with national security and the international obligations of the U.S.;
- (b) The licensee will make available unenhanced data to all potential users on a nondiscriminatory basis in accordance with sections 104(3) and 601 of the Act
- (1) If the licensee or any affiliate or subsidiary will engage in any value-added activities, the plan required by section 402(b)(9)(B) of the Act must clearly identify all such value-added activities, whether conducted by the license itself or by any affiliate or subsidiary, and ensure that any unenhanced data generated by the system will be made available to all potential users on a nondiscriminatory basis;
- (2) Where the value-added activity described in the plan required by section 402(b)(9) of the Act consists of processing data for general publication, the plan shall satisfy the requirements of this section if:
 - (i) Publication is timely;
- (ii) The medium in which the imagery will be published will be available to any potential subscriber on a nondiscriminatory basis; and
- (iii) All unenhanced data from which the imagery is derived will be available on a nondiscriminatory basis at the time of publication or within a reasonable time thereafter.
- (c) The licensee will make available to the Administrator at the reasonable cost of reproduction and transmission all unenhanced data which the Administrator may request for a basic data set pursuant to section 602 of the Act; and

(d) If the space system will utilize a space platform owned or operated by the license, the licensee has agreed to dispose of such platform in a satisfactory manner.

In making the findings required by paragraph (a) of this section, the Administrator shall be entitled to rely upon the written recommendations of the Departments of Defense and State described in §960.9(e).

§ 960.12 Contents of license.

Each license issued by the Administrator for the operation of a remotesensing space system shall specify:

- (a) The name and address of the person to whom the license is being issued, and the name and address of the agent for service of documents, if different:
- (b) The effective date of the license and its duration:
- (c) The characteristics of the system approved, including specifically:
- (1) The range of orbits and altitudes authorized for operation;
- (2) The range of spatial resolution or instantaneous field of view authorized;
 - (3) The spectral bands authorized.
- (d) Terms and conditions necessary to ensure:
- (1) Compliance with any national security concerns and any international obligations specified by the Departments of Defense and State respectively.
- (2) Adherence to the approved plans described in §960.6(f) for the licensee to make unenhanced data available to all potential users on a nondiscriminatory basis:
- (e) That the licensee will make available to the Administrator any data requested for a basic data set on reasonable terms and conditions;
- (f) That the licensee will notify the Administrator of any agreement which it intends to enter into with any foreign nation or entity or any consortium involving a foreign nation or entity at least 30 days before concluding such an agreement;
- (g) That the licensee will allow the Administrator or other appropriate federal officials access at any reasonable time to any facility or site of the

licensee or any contractor of the licensee located within the jurisdiction or control of the United States:

(1) To verify that the space system conforms to representations made in

the license application; or

- (2) To monitor activities of the licensee under the license including the inspection of equipment, facilities and other records and ensure compliance with the terms of the license;
- (h) That the licensee will surrender the license and terminate all operations immediately upon notification that the Administrator has determined under section 403(a)(1) of the Act that the licensee has substantially failed to comply with any of the requirements listed in section 403(a)(1):
- (i) If the space system will utilize a civilian U.S. Government platform, that the licensee will reach an agreement with the appropriate agency to reimburse the Government for all related costs and to ensure that the use of the platform will not interfere with the government's mission:
- (j) Appropriate provisions governing the disposition of any space platforms owned or operated by the licensee, including at a minimum sufficient advance notification to the Administrator of such disposition to allow review and approval of the procedures proposed;
- (k) The conditions that require an amendment of the license including any change:
 - (1) In ownership of the licensee;
- (2) In citizenship of: The president, proprietor, or other chief executive officer of the licensee and, if the licensee is a corporation, the chairman of the board of directors, or if the licensee is a partnership, a general partner;
- (3) In the operations of the licensee that would result in sensing activities outside the range of orbits and altitudes, the range of spatial resolution or instantaneous field of vision, or the spectral bands approved under paragraph (c) of this section, except in case of an emergency posing an imminent and substantial threat of harm to human life, property, the environment or the remote-sensing space system itself, in which cases the licensee shall attempt to obtain oral approval from the Administrator;

(l) That the licensee will notify the Administrator of any value-added activities that will be conducted by the licensee or by a subsidiary or affiliate.

Subpart C—Enforcement Procedures

§960.13 General.

Section 403(a) of the act authorizes the Administrator to take actions adverse to a licensee if the licensee fails to comply with the Act, these regulations, or any terms, conditions, or restrictions in the license. These adverse actions are:

- (a) License sanctions, including modification, suspension, and termination of any licensee;
- (b) Civil penalties not to exceed \$10,000 for each day of operation in violation of a license, regulation, or the Act; and
- (c) Seizure of any object, record, or report if there is probable cause to believe that such object, record, or report is being or is likely to be used to commit a violation.

This subpart establishes uniform rules and procedures for these adverse actions.

§ 960.14 License sanctions.

- (a) If the Administrator determines, on the basis of available information, that the licensee is not in compliance with any applicable provision of the Act, any regulation, or any license condition or restriction, the Administrator may issue the licensee a Notice of License Sanction (NOLS) proposing to:
 - (1) Terminate the license;
- (2) Suspend the license for a specified period of time or until certain stated requirements are met, or both; or
- (3) Modify the license, to aid future enforcement efforts.
 - (b) The NOLS will contain;
- (1) A concise statement of the facts believed to show a violation;
- (2) A specific reference to the provisions of the Act, regulation, or license allegedly violated;
- (3) The nature and duration of the proposed sanction; and
- (4) The effective date of the sanction, which is 30 days after the date of the

NOLS unless the Administrator requires immediate termination of some or all licensed activities under paragraph (e) of this section or unless the licensee requests a hearing under paragraph (d) of this section.

(c) The NOLS also may propose to assess a civil penalty in accordance with

§ 960.15.

- (d) Within 30 days after receipt of the NOLS, the licensee may request a hearing by serving a written request on the Administrator either in person or by certified or registered mail, return receipt requested, at the address specified in the NOLS. Such hearing shall be held in accordance with the procedures set forth at 15 CFR part 904, subpart C.
- (e) If the Administrator determines that the licensee has substantially failed to comply with any provision of the Act, these regulations, or with any term, condition, or restriction of the license, the NOLS will include a finding to this effect and may require immediate termination of some or all licensed operations. For purposes of this section, substantially fails to comply means:
- (1) Any failure to comply with a material term or condition of a license or of the Act or these regulations, which the Administrator has reasonable basis to believe is willful or intentional;
- (2) Any failure to comply after notice by the Administrator;
- (3) Any failure to comply with a material term or condition of a license which the Secretary of Defense determines clearly poses a threat to the national security or which the Secretary of State determines clearly poses a threat to international obligations of the United States.
- (f) Any request for a hearing under paragraph (d) of this section will not delay immediate termination under this paragraph and the licensee is entitled to treat the finding as final agency action for purposes of judicial review.

§ 960.15 Civil penalties.

Section 403(a)(3) of the Act authorizes the Administrator to assess civil penalties of up to \$10,000 for any violation of any requirement of the Act, these regulations or any term or condition of a license. Each day of operation in violation constitutes a separate vio-

lation. Such penalties will be assessed in accordance with the procedures set forth at 15 CFR part 904, subpart B.

§960.16 Seizure.

- (a) If the Administrator determines that there is probable cause to believe that any object, record, or report was used, is being used or is likely to be used in violation of the Act, these regulations or the requirements of any license, the Administrator may seize any such item and issue the licensee a Notice of Seizure (NOS) containing:
- (1) A description of the object, record, or report seized;
- (2) A concise statement of the facts believed to show use or possible use in a violation; and
- (3) A specific reference to the provisions of the Act, regulation, or license allegedly violated.
- (b) Within 30 days after receipt of a NOS, the licensee may request a hearing by serving a written and dated request on the Administrator either in person or by certified or registered mail, return receipt requested, at the address specified in the notice. Such hearing shall be held in accordance with the procedures set forth at 15 CFR part 904, subpart C. For good cause shown, the Administrator may in his or her sole discretion return the seized item pending the outcome of the hearing

PART 970—DEEP SEABED MINING REGULATIONS FOR EXPLORATION LICENSES

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